

3736



PATENT  
Customer Number 22,852  
Attorney Docket No. 7528.0002-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Patrick M. MCCARTHY et al.

Serial No.: 09/422,328

Filed: October 21, 1999

For: METHODS AND DEVICES FOR  
IMPROVING CARDIAC  
FUNCTION IN HEARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Group Art Unit: 3736

Examiner: Not assigned

*L. Park  
3-21-01  
#3/supl.  
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Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

In lieu of a statement of relevance or translation of non-English documents DE 199 47 885 , WO 00/61033, and WO 00/27304, an English language version of a search report from the European Patent Office in a corresponding application citing

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these documents and setting forth the relevance thereof is enclosed. In addition, WO 00/61033 and WO 00/27304 contain an English language abstract. Applicants do not have an English language translation of DE 296 19 294. If the Examiner deems necessary a translation of all or a portion of that German document, please contact the undersigned at (202) 408-4140 to arrange for preparation of a translation.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 15, 2001

By: 

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